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Docket No.: M3653.0001/P001-B
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sandra K. Richardson, et al.

Application No.: 09/536,383 | Confirmation No.: 5614

Filed: March 28, 2000 | Art Unit: 3625

For: METHOD AND APPARATUS FOR PLANNING AND MONITORING MULTIPLE TASKS AND EMPLOYEE WORK PERFORMANCE BASED ON USER DEFINED CRITERIA AND PREDICTIVE ABILITY

Examiner: Forest Thompson, Jr.

CORRECTED APPELLANT'S BRIEF

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This brief is in furtherance of the Notice of Appeal, filed in this case on June 25, 2003. Further, this Corrected Brief is responsive to a Notification of Non-Compliance with 37 C.F.R. § 1.192(c) mailed December 9, 2004. Appendix A has been corrected to recite claim 10 as it appeared in the November 27, 2002 Amendment.

The fees required under § 1.17(f) and any required petition for extension of time for filing this brief and fees therefor, were dealt with in the previously filed TRANSMITTAL OF APPEAL BRIEF.

This brief is transmitted in triplicate.

This brief contains items under the following headings as required by 37 C.F.R. § 1.192 and M.P.E.P. § 1206:

I. REAL PARTY IN INTEREST

The real party in interest for this appeal is Metier, Ltd., of Washington, D.C. (Metier). An assignment by the inventors to Metier in the parent application (U.S. Application Serial No. 09/334,256) was recorded at Reel 010189, Frame 0313.

II. RELATED APPEALS AND INTERFERENCES

An appeal is pending in the parent application, i.e. U.S. Application Serial No. 09/334,256 ("the '256 application"), to which priority is claimed in the present application. Also, Notices of Appeal have been filed in two other related applications which also claim priority to the '256 application. The U.S. Application Serial Nos. for these two applications are 09/536,377 and 09/536,378. Appeal Briefs will be filed in both of these applications by the end of September, 2003, and Appellant expects that these applications will also ultimately be submitted for appeal before the Board of Patent Appeals and Interferences.

III. STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 22 claims pending in application.

B. CURRENT STATUS OF CLAIMS

1. Claims pending: 1, 6-8, and 10-27

2. Claims canceled: 2-5, and 9

3. Claims withdrawn from consideration but not canceled: 13-17, and 19-27

4. Claims rejected: 1, 6-8, 10-12, and 18

C. CLAIMS ON APPEAL

The claims on appeal are claims 1, 6-8, 10-12, and 18.

IV. STATUS OF AMENDMENTS

The Amendment filed on November 27, 2002 has been entered.

The Amendment After Final filed on May 27, 2003 has not been entered, as indicated in the Advisory Action mailed June 11, 2003. The Advisory Action does not indicate, however, whether the replacement formal drawings submitted with this Amendment After Final has been or will be approved. The replacement formal drawings were submitted to address the objections to the drawings set forth in the final Office Action. As such, the status of the drawing submission is unclear.

In accordance with the treatment of the Amendments discussed above, the claims as presented herein in Appendix A do incorporate the amendments presented in the November 27, 2002 Amendment, but do not incorporate the claim amendments proposed in the After Final Amendment dated May 27, 2003.

V. SUMMARY OF INVENTION

The present invention is directed to a system and method for planning and monitoring a project from both a broad prospective and, more importantly, at an individual level for each person involved in the project. The ability to analyze performance at the individual level enables the present invention to more accurately plan the overall timeline of the project and subsequent projects. In contrast, prior art project management tools operate merely at the broad or macro level, and do not take into consideration variable factors which affect the performance of individual employees or workers. As a result, such prior art project management tools typically yield plans which are very inaccurate predictors of the actual time and resources ultimately expended to complete the project.

To achieve the capability mentioned above, the present invention breaks a project down into a plurality of assignable tasks, as does most known project management tools. Each task is then associated with a corresponding estimated start date and an estimated end date. Assignment of the tasks is performed by identifying a current "tasking horizon," and assigning those tasks which may be reasonably started and/or completed within the current tasking horizon. (E.g., specification, p. 6, lns. 6-8; p. 11, lns. 23-24).

A tasking horizon, as used in the context of this invention, is a window of time, two weeks, for example, for which a person can currently reasonably plan or

predict how his or her time will be spent for the duration thereof. Generally, depending on the size, scope and duration of a project, the lifespan of a project will cover a plurality of sequential tasking horizons. Thus, for projects other than short-term projects, for example, the tasking horizon will be a much smaller increment of time than the time period covering the entire project duration. (Specification, p. 11, lns. 16-26, *esp.* lns. 19-22).

During the initial planning stages of the project and prior to the assignment of any tasks to be performed by specific personnel, a set of structured words and/or phrases, referred to as "verbs" in the application, is predefined in the system. (FIG. 4; specification, p. 6, lns. 11-20; p. 12, lns. 16-20). Throughout the duration of the project, each worker contributing to the project logs each actual start and end date for the various tasks for which he or she is responsible. (Specification, p. 7, lns. 2-3; p. 14, lns. 7-11). Workers may also be enabled to change an estimated start or end date from an initial estimated date. When each worker logs an actual date or changes an estimated date in the system, the worker also selects a "verb" from the predefined, structured set, to describe why the actual date occurred either earlier or later than the estimated date, or why the actual date was enabled to occur on the estimated date. (Specification, p. 7, lns. 2-6; p. 12, lns. 20-22; 14, lns. 7-11).

Using the predicted dates, actual dates and verbs logged by each worker, the performance progress of the project can be tracked in real time as the information is received from each worker.

Additional aspects of the invention include determining a measure of accuracy or inaccuracy of a worker's predictive ability, expected task completion times based on task completion data for past projects, and risk factors indicating the probability that an actual task date will deviate from the estimated date.

With the present invention, the ability to track a worker's performance in real time enables management personnel to measure a worker's achievements and professional growth, and to determine the worker's individual churn average. Also, using risk factor information and information regarding each workers' predictive ability with respect to task performance, management personnel overseeing the project can thus provide a more reliable project plan and more accurately predict the performances of workers and the resources needed to complete the project.

VI. ISSUES

Whether or not claims 1, 6-8, 10-12 and 18 are properly rejected under 35 U.S.C. § 102(b) as being anticipated by the book entitled A Guide to the Project Management Body of Knowledge, by PMI Standards Committee, William R. Duncan, Director of Standards, (pub. Project Management Institute, 1996) (hereinafter "Duncan").

VII. GROUPING OF CLAIMS

For purposes of this appeal brief only, and without conceding the teachings of any prior art reference, the claims have been grouped as indicated below:

Group	Claim(s)
I.	Claims 1, 7, 10, and 12 stand or fall together.
II.	Claims 6 and 8 stand or fall together.
III.	Claim 11 stands or falls by itself.
IV.	Claim 18 stands or falls by itself.

In Section VIII below, Appellant has included arguments supporting the separate patentability of each claim group as required by M.P.E.P. § 1206.

VIII. ARGUMENTS

A. DEFINITIONS OF TERMINOLOGY SPECIFIC TO THE INVENTION

1. Tasking Horizon

Independent claims 1 and 10 both recite "setting a tasking horizon." The term "tasking horizon" as recited in claims 1 and 10 is described in the present application as being "designed to be a realistic planning window that corresponds to the length of time most employees can plan their work" (specification, p. 6, lns. 6-9; p. 11, lns.19-26). The reason for this is that "the most effective planning is generally limited to a predetermined period of time, which is likely to be much smaller than the project time period." (*Id.*) (emphasis added). Thus, each tasking horizon is a fixed window of time within which any of a plurality of tasks dates can be scheduled into or removed therefrom (*see, e.g.*, specification, p. 14, ln. 20 - p. 16, ln. 18).

Additionally, the invention of claims 1 and 10 receive predicted dates and actual dates associated with task related events in the performance of a plurality of tasks. Differences between the predicted date and the actual date for each task related event are then analyzed relative to the tasking horizon recited in claims 1 and 10. For example, claim 11 recites that "churn" is computed "based on differences between corresponding ones of said received predicted and actual dates relative to said tasking horizon." Similar language is recited in claim 18 with respect to a capability of the claimed management module.

The concept of "churn" is explained in Appellant's specification at page 16, lines 1-18 using examples of estimated dates and actual dates being moved into and out

of a current tasking horizon. Based on this description in the specification, "churn" will be computed as recited in claims 11 and 18 when 1) a predicted date is in a current tasking horizon but an actual date is scheduled outside of the current tasking horizon (the worker had expected to complete the task related event in the current tasking horizon but didn't complete it within that time frame), 2) a predicted date is originally scheduled in the current tasking horizon and is subsequently moved outside the current tasking horizon (the worker realizes that he or she will not be able to perform the task related event in the current tasking horizon but believes that he or she will be able to complete it in a subsequent tasking horizon), or 3) a predicted date is not scheduled in the current tasking horizon but the actual date occurs in the current tasking horizon (a worker works ahead of schedule and completes a task related event which he or she did not expect to be able to perform until a later tasking horizon).

Moreover, if a date presently scheduled to occur in the current tasking horizon changes but does not enter or exit the current tasking horizon, then no churn is generated. (Specification, p. 15, lns. 17-18).

Since a determination of whether or not churn is generated is dictated by the temporal location of the two relevant task related event dates relative to the current tasking horizon, a tasking horizon is necessarily a window of time which is independent of any specific task in the project. The independence of the tasking horizon from the tasks and all estimated dates and actual dates for the task related events is further supported on page 13, line 15-19, *inter alia*, of Appellant's specification, which discloses that "[t]he final step is to assign the tasks 20 that occur during the tasking horizon .... Each day, or at set intervals, the system checks the unassigned tasks and assigns tasks that fall within the next tasking horizon." As such, the term "tasking horizon" as used in the context of the present invention can only refer to a task-independent, fixed increment of time which is typically much smaller than the project

duration, and into or out of which task-related event dates can be scheduled or moved.

In contrast, the Office Action indicates that the "tasking horizon" as recited in Appellant's claims is met by section 3.3.2 and p. 170 in Duncan, *i.e.*, "described in the context of target finish date determination and schedule determination." (Office Action, p. 4). Page 170 in Duncan, however, is merely a glossary page which nowhere discloses a tasking horizon as used in Appellant's invention. Section 3.3.2 in Duncan merely provides an overview of the "Planning Processes" that are performed in a project. The portion of this cited section most relevant to Appellant's "tasking horizon" concept is Duncan's "Activity Duration Estimating" and "Schedule Development," both mentioned on page 31 in Duncan.

In order to fully evaluate the teachings of Duncan with respect to Appellant's claimed "tasking horizon," therefore, a closer review of the "Activity Duration Estimating" and "Schedule Development" processes in Duncan is warranted. As indicated in parentheses following the identification of these processes on page 31 in Duncan, these processes correspond to sections 6.3 and 6.4 in Duncan, respectively.

A careful reading of sections 6.3 reveals that the most relevant teaching there is found on page 66 in section 6.3.3.1 entitled "[a]ctivity duration estimates," in which it is noted that "[a]ctivity duration estimates are quantitative assessments of the likely number of work periods that will be required to complete an activity." This is quite different from Appellant's "tasking horizon," which is an objective time frame and is not defined in relation to any specific task or activity, or the expected duration for performing any specific task or activity.

Similarly, the most relevant discussion in section 6.4 is found in subsection 6.4.3.1 entitled "[p]roject schedule" on page 69 in Duncan, which discloses "planned start and expected finish dates for each detail activity." The "planned start and

expected finish dates" of Duncan most closely correspond to the "predicted dates" disclosed and claimed in the present application, and not the term "tasking horizon." Moreover, if a tasking horizon is defined to be the period of time encompassed by the predicted start and stop dates of a task, as proffered in the Office Action, how can a predicted (estimated) date be created in, moved out of, or moved into a current tasking horizon, as discussed on page 16, lines 6-9 in Appellant's specification, if the estimated date itself defines the beginning or end of the tasking horizon? Clearly, it is impossible to move a task date into or out of a tasking horizon if the time span of the tasking horizon is defined by the task date itself. Based on the "definition" of the term "tasking horizon" used by the Office Action, any movement of a task date/estimated date would serve to shift the tasking horizon as well. When the passages in Duncan cited in the Office Action are considered in light of the actual meaning of the term "tasking horizon" in accordance with Appellant's invention, it is readily apparent that the cited passages do not anticipate or render obvious the process segment of "setting a tasking horizon" as recited in Appellant's claims.

Appellant further notes that section 6.5.3.1 entitled "[s]chedule updates" on page 72 in Duncan teaches that "[r]evisions are changes to the scheduled start and finish dates in the approved project schedule. As in the other sections of Duncan mentioned above, or for that matter, the entire book, there is absolutely no mention or contemplation of an objective time frame smaller than the project time frame which is independent from the tasks or activities of the project, as is Appellant's term "tasking horizon."

As demonstrated by the analysis above, the unique concept of framing the progress a project through a sequence of fixed time periods, as defined by the term "tasking horizon" in the claimed invention, is not taught or suggested in Duncan.

2. Verbs

Claim 1 also recites "associating at least two verbs" with each task related event, and "for each actual date received, receiving a verb associated with the respective task related event, said verb being one of said at least two verbs." Similarly, claim 10 recites a management module which assigns at least two verbs" for each of a plurality of tasks and "at least one task assignment station . . . for entering a selected one of said at least two verbs for each actual date entered."

Duncan fails to teach or suggest a definition of the term "verbs" as used in accordance with the present invention and recited in claims 1 and 10. In the context of the present invention, "verbs" are part of a predefined and structured set or sets of words and phrases (or reasons) that have been programmed into the modeling system of the present invention. (*See, e.g.*, FIG. 4; specification p. 6, lns. 11-20, and p. 12, ln. 16 – p. 13, ln. 14). For example, Appellants' specification describes the inventive system as including the following processes:

"Once the tasks in a project have been determined, the next aspect of the present invention is the planning of the tasks" (p. 11, ln. 16). "The next step is to assign verbs [ ] 18 to each task" (p. 12, ln. 16). Then, "[t]he final step is to assign the tasks 20 that occur during the tasking horizon" (p. 13, ln. 15).

This process sequence is visually summarized in FIG. 4, which shows a flow chart of an "employer task assignment stage" 10 of the invention. As can be seen in FIG. 4, the step of "selecting verbs" 18 occurs after the step of identifying a tasking horizon 16, and before the step of "assigning tasks" 20 to specific workers to perform the tasks. Categories of pre-selected "verb" sets are discussed in Appellants' specification on page 13, for example. It can be seen, therefore, that the term "verb" as used in the present invention is a predefined, structured set or sets of words and/or phrases selected during the planning stages of the project, before the tasks are assigned

to be performed by specific workers.

The Office Action asserts that the process segment of "associating at least two verbs with [each] task related event" as recited in Appellants' claims is met by section 4.3.3.3 in Duncan, entitled "[l]essons learned" (Office Action, p. 4). Section 4.3.3.3 in Duncan (p. 46) states that "[t]he causes of variances, the reasoning behind the corrective action chosen, and other types of lessons learned should be documented so that they become part of the historical database for both this project and other projects of the performing organization." Thus, it can be seen that the "lessons learned" in Duncan merely reflect the generalized concept and goal of learning from the past, and is not restricted to associating predetermined words or phrases to be selected later by a project worker. The cited section of Duncan, and, for that matter, Duncan's entire disclosure lacks any suggestion of a set or sets of predetermined, structured words or phrases associated with the tasks or task related events of the tasks during a planning phase of the process, as defined by the term "verbs" used in the present invention.

3. Churn

Claim 11 recites "computing churn . . . based on differences between corresponding ones of [] received predicted and actual dates relative to said tasking horizon." Claim 18 recites a similar capability performed by the claimed management module.

Appellant notes that the capability of the management module to compute churn as recited in claim 18 has not been addressed in the final Office Action. As such, claim 18 appears to be allowed over Duncan on the basis of at least the computing churn capability. Nevertheless, Appellant will err on the side of caution and address this feature of claim 18 along with claim 11.

Page 15, line 11 through page 17, line 4 in Appellant's specification provides a detailed explanation of all the scenarios in which churn is generated, including when a predicted or estimated date differs from an actual date. For example, the specification explains that churn is generated when the actual date for a task event is different from an estimated date, and the actual date is not in the same tasking horizon as the estimated date (specification, p. 16, lns. 10-12, 16-18). Since churn generation is always predicated on a change into or out of a tasking horizon or on the difference of dates in which the estimated and actual dates are in different tasking horizons, if the estimated date is different from the actual date, but both are in the same tasking horizon, then no churn is generated. Thus, churn is only calculated relative to a current tasking horizon. In order to do so, it is therefore essential to first set a tasking horizon which is independent of any task or task related event.

The Office Action concedes that the claimed feature of "computing churn . . . relative to [a] tasking horizon" is not disclosed in Duncan, but then nevertheless asserts that the claimed invention would have been obvious because "Duncan does disclose the necessary functionality for computing churn." (Office Action, p. 7, 3d para.). This rationale is inherently flawed, as will become evident in light of the analysis set forth below.

The Office Action contends that paragraph 10.3 on pages 107-108, Fig. 10-2 on page 109, Fig. 10-3 on page 110, and paragraph 11.1.1 on page 113 in Duncan "disclose[s] the functionality for computing churn for said tasks." (Office Action, p. 7). Nowhere in these cited passages and figures, or anywhere else in the entire reference, does Duncan disclose computing anything relative to a difference between two dates relative to a tasking horizon or any other fixed quantity. The closest concept in Duncan to Appellant's churn computation feature is sections 10.3.2.2 and 10.3.2.4 on page 108 in Duncan, and Fig. 10-3, which discloses only "comparing actual project results to

planned or expected results" for cost and schedule variances in section 10.3.2.2, and the concept of calculating the difference between a projected cost and an actual cost in section 10.3.2.4 and Fig. 10-3. These variances in Duncan are simple differences between estimated and actual data. Duncan is completely silent as to the computation of these variances with respect to a tasking horizon or any other fixed standard. As such, Duncan does not disclose or suggest the "functionality" of computing churn as defined in accordance with Appellant's claimed invention.

Claims 11 and 18 are dependent from claims 1 and 10, respectively, and therefore incorporate the patentably distinguishable features of the latter discussed above. Accordingly, claims 11 and 18 are patenably distinguishable over Duncan for the reasons attributable above to claims 1 and 10, and also on the basis of the subject matter recited in claims 11 and 18.

4. Risk Factor

While claims 6, 8, and 18 are dependent claims and therefore incorporate the patentably distinguishable features discussed above recited in the respective independent claims from which these claims depend, claims 6, 8 and 18 also recite additional subject matter which renders the claims allowable over Duncan. Specifically, claims 6, 8, and 18 each recite "computing a risk factor" or the capability to do so. Applicants' specification describes the term "risk factor" as either a percentage probability that an actual task date will deviate from the estimated task date, for example, or as a standard deviation of time within which the actual task date is likely to vary from the estimated date (specification, p. 19, ln. 1 – p. 20, ln. 2, *inter alia*). That is, the risk factor computed in the claimed invention is a number.

As was the case with the capability to compute churn, the capability of the management module to compute a risk factor as recited in claim 18 has not been addressed in the final Office Action. As such, claim 18 appears to be allowed over Duncan on the basis of at least the capability to compute a risk factor as recited in the claim. Again, Appellant will err on the side of caution and address this feature of claim 18 along with claims 6 and 8.

The Office Action contends that FIG. 11-1 on page 112 and paragraph (sic: section?) 11.2 and FIG. 11-2 on pages 115-118 in Duncan, entitled "Risk Quantification," renders obvious the risk factor computation recited in Applicant's claims. (Office Action, pp. 6 (bottom), 10, 12 (top)). As disclosed in lines 3-4 on page 115 in Duncan, section 11.2 "is primarily concerned with determining which risk events warrant response." (emphasis added). Such determination is accomplished by identifying discrete risk events (Duncan, sections 11.2.1.2, 11.2.1.3, at p. 115) and evaluating each discrete risk event (Duncan, section 11.2.2, at pp. 115-116), to thereby enable a decision to be made as to which risk events should be addressed (Duncan, section 11.2.3 at p. 117). As shown in Figure 3-5 on page 31, the section 11.2, "Risk Quantification," falls within the planning stages of the project, before execution of any tasks have begun.

In claims 6, and 18, however, the risk factor is computed based on churn data and received verb data. In order to obtain churn data and received verb data, at least a portion of a task within a project must have been executed. Thus, section 11.2 in Duncan as cited in the Office Action does not teach or suggest the claimed function/step of computing a risk factor during the execution phase of the project, much less based on computed churn and a selected verb, as recited in Appellant's claims.

With respect to the computed risk factor as recited in claim 8, the cited passages in Duncan, and the entire disclosure of Duncan for that matter, fail to provide any teaching or suggestion to "comput[e] a risk factor . . . based at least in part on . . . at

least one risk factor" "associated with [a] plurality of tasks of [] at least one past project," as recited in claim 8.

B. DUNCAN FAILS TO TEACH THE CLAIMED FEATURE OF TRACKING PERFORMANCE IN REAL TIME

In this application, claim 1 recites "tracking the performance of [the] project in real time based at least in part on the predicted dates, actual dates and verbs received for each of [the] task related events," and claim 10 recites "a human resource module for providing real time performance information for [the] plurality of tasks."

Duncan also fails to teach or suggest tracking the performance of the project or its tasks in real time as recited in Appellant's claims 1 and 10. In the claimed invention, the real time tracking is performed by constantly updating the actual dates the task related events are performed along with the associated predetermined verbs indicating the reasons why the actual dates did or did not correspond with the predicted dates for those task related events.

At approximately the middle of page 5, the Office Action indicates that the performance tracking process segment recited in claim 1 is met by page 31, FIG. 3-5 (6.3, 6.4) and page 159 in Duncan. Upon careful review of the cited portions of Duncan, it can be seen that the tracking feature of the claimed invention is not disclosed anywhere in this or any portion of Duncan.

The sections 6.3 and 6.4 shown in FIG. 3-5 and briefly described below the figure on page 31 in Duncan are directed to planning stages of the project, and not tracking of the project during the actual performance thereof. Indeed, the large heading at the top of FIG. 3-5 is labeled "Planning Processes" (as opposed to the "Executing Processes" shown in FIG. 3-6 on page 33 and the "Controlling Processes" shown in FIG. 3-7 on page 34 in Duncan). More specifically, the section 6.3 in Duncan, entitled

"Activity Duration Estimating," is defined as the process of "estimating the number of work periods which will be needed to complete individual activities" (emphasis added). Similarly, the section 6.4, entitled "Schedule Development," is defined as the process of "analyzing activity sequences, activity durations, and resource requirements to create the project schedule" (emphasis added). Clearly, neither of these processes is relevant to tracking the performance of the project-related tasks in real time as recited in claim 1 or providing real time performance information as recited in claim 10, which only occur after the project schedule has been created and the tasks assigned to individual workers.

Page 159 in Duncan is glossary page of various terms apparently used throughout the text of Duncan. None of the terms and definitions listed on this page correspond to the real time tracking process segment as recited in Appellant's claim 1, or the human resource module for providing real time performance information as recited in claim 10. Thus, page 159 is also ineffective to anticipate these features of the claimed invention.

In the last line of page 5, the Office Action suggests that pages 93-101 in chapter 9 of Duncan teaches the human resources module recited in claim 10. These pages, however, discuss the "processes required to make the most effective use of the people involved with the project." In particular, chapter 9 includes 3 sections entitled "organizational planning," "staff acquisition," and "team development." The first two processes are performed during the planning stages of the project so that the appropriate personnel can be identified and retained to perform the project related tasks (*see, e.g.*, FIG. 3-5 on page 31). The third section, section 9.3, is directed to the human interaction aspect of the workers during the performance of the project, and is designed to foster and enhance the function of the workers together as a team. This

section is completely silent with regard to real time tracking or providing real time performance information based on the specific data types recited in Appellant's claims.

C. CONCLUSION

For at least each of the reasons presented above, Appellant respectfully submits that Duncan fails to teach (or suggest) each and every feature of the present invention as recited in claims 1, 6-8, 10-12 and 18, and as such, cannot anticipate the claims. In addition to claims 6-8, 11-12 and 18, claims 13-17 and 19-23 are each dependent claims which depend ultimately from either independent claim 1 or independent claim 10. Although claims 13-17 and 19-23 currently stand as being withdrawn from consideration pursuant to the restriction requirement set forth in the final Office Action, Appellant respectfully submits that these claims are also patentable over Duncan at least by virtue of their dependencies from claims 1 or 10, as appropriate.

As claims 1, 6-8, and 10-23 are submitted to be novel and nonobvious over Duncan, reversal of the final rejection is courteously solicited.

IX. CLAIMS INVOLVED IN THE APPEAL

A copy of the claims involved in the present appeal is attached hereto as Appendix A.

Dated: January 6, 2005

Respectfully submitted,

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APPENDIX A

1. A method for monitoring and managing a project, comprising the steps of:

breaking a current project into a plurality of tasks, wherein the performance of each task is tracked on the basis of at least one task related event;

setting a tasking horizon based on a predetermined time interval;

associating at least two verbs with said at least one task related event for each of said plurality of tasks;

receiving a respective predicted date for at least one task related event;

receiving a corresponding actual date for each task related event for which a predicted date was received;

for each actual date received, receiving a verb associated with the respective task related event, said received verb being one of said at least two verbs; and

tracking the performance of said project in real time based at least in part on the predicted dates, actual dates and verbs received for each of said task related events.

2. (Previously cancelled).

3. (Previously cancelled).

4. (Previously cancelled).

5. (Previously cancelled).

6. The method according to claim 11, further comprising the step of:

computing a risk factor for at least one of said plurality of tasks based on data of at least one of said computed churn and said received verb, said data corresponding respectively to said at least one of said plurality of tasks.

7. The method according to claim 1, further comprising the steps of:

comparing said plurality of tasks of said current project to a plurality of tasks of at least one past project;

extracting previously performed task completion data for said plurality of tasks for said at least one past project; and

computing an expected task completion time for at least one of said plurality of tasks of said current project based at least in part on said previously performed task completion data.

8. The method according to claim 1, further comprising the steps of:

comparing said plurality of tasks of said current project to a plurality of tasks of at least one past project;

extracting at least one risk factor associated with said plurality of tasks of said at least one past project;

and computing a risk factor for at least one of said plurality of tasks for said current project based at least in part on said extracted at least one risk factor.

9. (Previously cancelled).

10. An apparatus for monitoring and managing a project, comprising:

a management module for breaking a project into a plurality of tasks, for setting a tasking horizon and for assigning at least two verbs for at least one of said plurality of tasks;

at least one task assignment station for receiving information of said at least one task, for entering a respective predicted date for each of at least one task related event relevant to the performance of said at least one task, for entering a respective actual date for each of said at least one task related event, each actual date corresponding to a respective predicted date for one task related event, and also for entering a selected one of said at least two verbs for each actual date entered;

wherein said management module and said task assignment station are operationally connected and wherein said management module receives predicted dates and actual dates entered at said task assignment station; and

a human resources module for providing real time performance information for said plurality of tasks.

11. The method according to claim 1, further comprising the step of:

computing churn for each task related event for which a predicted date and an actual date was received, based on differences between corresponding ones of said received predicted and actual dates relative to said tasking horizon.

12. The method according to claim 1, wherein the performance of said project is tracked in relation to a work unit, said work unit comprising an individual, a team, a group, a branch, a division, or an entire company.

13. (Withdrawn) The method according to claim 12, wherein said tracking in real time includes analyzing the performance of the work unit in relation to at least one criteria selected from the group consisting of job description, goals, bonuses, rank, churn, and cost.

14. (Withdrawn) The method according to claim 1, further comprising calculating salary and bonus payments based on performance data obtained by the tracking operation.

15. (Withdrawn) The method according to claim 14, further comprising automatically incorporating bonuses into paychecks on the basis of the calculating operation.

16. (Withdrawn) The method according to claim 15, wherein the bonuses are automatically incorporated into said paychecks on a periodic basis.

17. (Withdrawn) The method according to claim 15, wherein the bonuses are automatically incorporated into said paychecks on one of a task completion basis or a phase completion basis.

18. The apparatus according to claim 10, wherein said management module further receives corresponding pairs of predicted dates and actual dates, computes respective churn data for each of said at least one task related event based on a difference between the respective predicted date and the corresponding actual date, relative to said tasking horizon, and computes a risk factor for at least one of said plurality of tasks based on data of at least one of the computed churn and the selected verb.

19. (Withdrawn) The apparatus according to claim 18, wherein said human resources module includes a user interface and a real time monitoring unit, wherein said user interface provides information obtained by said management module and said at least one task assignment station directly to said real time monitoring unit.

20. (Withdrawn) The apparatus according to claim 19, wherein said human resource module further includes a planning unit containing information including job descriptions, goals, bonuses and rank information.

21. (Withdrawn) The apparatus according to claim 19, wherein said human resource module further includes a bonus planning and payroll system for determining at least one of worker compensation and bonus amounts to be awarded to workers on the basis of performance.

22. (Withdrawn) The apparatus according to claim 21, wherein the bonus planning and payroll system automatically incorporates bonuses into said workers' paychecks on a periodic basis.

23. (Withdrawn) The apparatus according to claim 21, wherein the bonus planning unit and payroll unit automatically incorporates bonuses into said workers' paychecks on a task completion basis or a phase completion basis.

24. (Withdrawn) A human resource module for monitoring the performance of at least one work unit comprising:

a planning unit containing information including job descriptions, goals, bonuses and rank information;

a user interface for obtaining information relating to a plurality of tasks of a project and updated status information entered by said at least one work unit during the performance of the project tasks; and

a real time monitoring unit for receiving the information obtained by the user interface, and for analyzing in real time the progress achieved by said at least one work unit in relation to said information contained in said planning unit.

25. (Withdrawn) The human resources module according to claim 24, further comprising a bonus planning and payroll system for determining at least one of worker compensation and bonus amounts to be awarded to workers on the basis of performance.

26. (Withdrawn) The apparatus according to claim 25, wherein the bonus planning and payroll system automatically incorporates bonuses into said workers' paychecks on a periodic basis.

27. (Withdrawn) The apparatus according to claim 25, wherein the bonus planning unit and payroll unit automatically incorporates bonuses into said workers' paychecks on a task completion basis or a phase completion basis.